

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

Absolutely. The broadcast flag would be a form of copy protection as defined by the Digital Millenium Copyright Act, and circumvention of the flag would be an illegal act punishable by incarceration.

Also, while those who control the broadcast flag may make certain allowances for personal use, they will never be able to fully imagine all the ways people might like to use content, and people will never be able to legally use content in a way not imagined by the broadcast flag controllers.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices?

Of course. This is exactly what the digital flag is designed to do. On the surface, it is a copy protection technology, but it also allows the controllers of the broadcast flag complete control over how DTV content may be sent accross networks. In a broadcast flag world, only approved hardware will be able to cooperate on a network with other hardware, and consumers will not control that hardware.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

This may not be the intent of the proponents, but it would be an effect of the broadcast flag requirement. Future equipment would be limited by what the broadcast flag allows, yet we can not now imagine what future equipment might be designed to do, and it is easy to imagine that it may be designed to do things not envisioned by the broadcast flag proponents.

Other Comments:

The broadcast flag standard differentiates between equipment for personal use and equipment for professional use. Equipment for professional use would not be subject to broadcast flag copy protection. This stands to create two classes of people - those who can afford "professional" equipment and those who cannot. "Non-professional" equipment is quickly nearing the level of "professional" equipment in many areas, and it is quite simple for relatively cheap software to turn a "personal computer" into a professional workstation capable of production professional quality digital works. The broadcast flag will limit the ability of those who are not professionals simply because they cannot afford to pay the entrance fee into the elite class.

Moreover, the piracy that truly affects content producers - that is, the piracy that leads to pirated DVDs being sold on the streets of New York, and the streets of Beijing, will be in no way affected by the broadcast flag. Those who are already illegally distributing copyrighted works will illegally circumvent the broadcast flag with little problem and will continue to illegally distribute copyrighted works.

The only abilities that the Broadcast Flag will inhibit are personal fairuse abilities. It will do nothing to stop so-called "piracy."